

**Notice of Allowability**

Application No.

09/680,265

Examiner

Kevin Mew

Applicant(s)

BROUWER, FRANK

Art Unit

2664

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/4/2005.
2. ☒ The allowed claim(s) is/are 5-10, 12-13, 16, 21-26, 28-29, 32, 37-39, 44 which have been renumbered as 1-22, respectively.
3. ☒ The drawings filed on 10/5/2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>10</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>9</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                        | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                   |
|   | 9. <input type="checkbox"/> Other _____.   |

***Response to Amendment***

1. Applicant's arguments filed on 4/4/2005 regarding claims 5-10, 12-13, 16, 21-26, 28-29, 32, 37-39, 44 have been considered. Claims 1-4, 11, 14-15, 17-20, 27, 30-31, 33-36, 40-43, and 45-48 have been canceled by the Applicant.

***EXAMINER'S AMENDMENT***

2. In the abstract of the disclosure, page 32, lines 12-15, remove the sentence "The new connection assessment takes into consideration any fragmentation issues or combinations of connection types occurring at the base station node, and therefore provides an accurate indication of the potential additional capacity of the base station node" as agreed upon by the Applicant.

3. In each of claims 24, 25, 26, 29, and 32, line 1, replace "the method of claim 21, 22, 23, and 28" with "the method of claim 21, 22, 23, or 28" as agreed upon by the Applicant.

***EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE***

4. The following is an examiner's statement of reasons for allowance:

The present application relates to sending a capacity indication value from a base station node to a radio network controller, including the unique step of capacity indication determination using the following equation

$$F = \sum_{sf}^{all SF} W_{sf} \bullet A_{sf} \bullet C_{sf}$$

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wherein:

$F$  = free resources;

$W_{sf}$  = a weighting factor for spreading factor  $sf$ ;

$A_{sf}$  = number of connections that can be added with spreading factor  $sf$ ;

$C_{sf}$  = consumption for spreading factor  $sf$  according to reported consumption law.

The closest prior art, Johansson (WO 00/49816), discloses a method for operating a radio access network which determines a number of connections for each of plural spreading factors that can be added to the base station node, and which sends to a radio network controller (RNC) node a capacity indication, including a capacity value based on the determined number of connections, wherein a number of codes to be allowed for each spreading factor. However, Johansson fails to anticipate or render obvious the above quoted limitations of the present application. This renders the claims allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

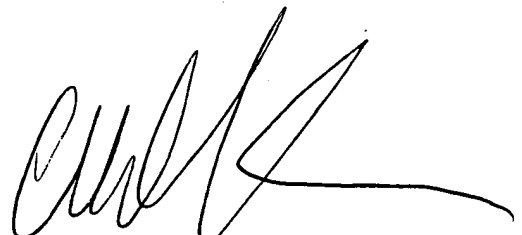
*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Mew whose telephone number is 571-272-3141. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WELLINGTON CHIN  
SUPERVISORY PATENT EXAMINER